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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on Natural Resources and
Transportation...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

Senate

Record of Committee Proceedings

Committee on Natural Resources and Transportation

Assembly Bill 128

Relating to: the removal of fishing shanties or similar shelters.

By Representatives Pettis, Gronemus, Jeskewitz, Albers, Freese, Gunderson and Stone; cosponsored by Senators Grothman and Kedzie.

September 30, 2005 Referred to Committee on Natural Resources and Transportation.

November 3, 2005 **PUBLIC HEARING HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.
Absent: (0) None.

Appearances For

- Representative Mark Pettis

Appearances Against

- None.

Appearances for Information Only

- Tom Van Haren — WI Department of Natural Resources

Registrations For

- None.

Registrations Against

- None.

December 1, 2005 **EXECUTIVE SESSION HELD**

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.
Absent: (0) None.

Moved by Senator Stepp, seconded by Senator Kedzie that **Assembly Bill 128** be recommended for concurrence.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirsch and Breske.
Noes: (0) None.

CONCURRENCE RECOMMENDED, Ayes 5, Noes 0

Dan Johnson
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: **December 1, 2005**_____

Bill Number: **AB 128**_____

Moved by: STAPP_____ Seconded by: KEDZIE_____

Motion: **Concurrence**_____

Committee Member

Senator Neal Kedzie, Chair

Senator Cathy Stepp

Senator Dan Kapanke

Senator Robert Wirch

Senator Roger Breske

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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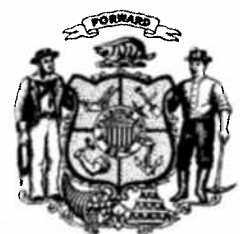
Totals: _____

☐ Motion Carried

☐ Motion Failed



WISCONSIN STATE LEGISLATURE



**Senate Natural Resources and Transportation Committee
Public Hearing
330 Southwest, State Capitol
November 3, 2005 10:00**

Agenda

✓ 1. Call of the Role — House Keeping / Able up

2. Agenda

✓ Senate Bill 158

Relating to: fishing with a bow and arrow at night.

✓ Senate Bill 213

Relating to: private motor carriers transporting livestock.

✓ Assembly Bill 762

Relating to: exempting from motor carrier regulations certain vehicle combinations operated in intrastate commerce.

Senate Bill 329

Relating to: the parking of vehicles on highways.

Assembly Bill 240

Relating to: the immobilization, impoundment, and disposal of unregistered motor vehicles.

Assembly Bill 128

Relating to: the removal of fishing shanties or similar shelters.

Assembly Bill 345

Relating to: acreage requirements for areas in which farm-raised deer that may be hunted are kept and transfers of registration certificates for keeping farm-raised deer.

Assembly Bill 299

Relating to: the effect of county shoreland zoning ordinances in territories annexed by cities, villages, or towns or incorporated as cities, or villages.

ANNOUNCEMENTS

✓ You may speak before the committee or simply register your vote on the hearing slips. Be sure to fill out the slips and hand it to the Page.

*Mary Ann's
needs to
be out by
12:30 pm*

Bill Summaries

✓Senate Bill 158

- This bill provides that if DNR establishes an open season for fishing with a bow and arrow on a particular body of water, DNR must allow fishing with a bow and arrow on that body of water from sunset to sunrise during that open season.

Assembly Bill 128

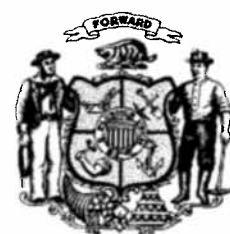
- This bill provides that DNR may not promulgate or enforce a rule that requires the owner of an ice fishing shanty placed on the ice of any inland water to remove the shanty before a certain date in March.
- The removal date established under the bill is determined by the location of the inland water within the state.
- The bill provides that this prohibition does not apply if DNR determines that the shanty must be removed for safety reasons.

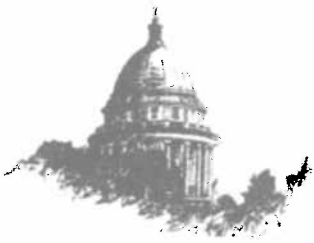
Assembly Bill 345

Assembly Bill 345 modifies the current statute that requires 80 contiguous acres or more in order to hunt farm-raised deer, by creating an exception for previously licensed deer farms.



WISCONSIN STATE LEGISLATURE





Mark Pettis

STATE REPRESENTATIVE

Senate Committee on Natural Resources and Transportation
Testimony on Assembly Bill 128
Representative Mark Pettis
November 3, 2005

Mr. Chairman, members of the committee, thank you for the opportunity to testify on Assembly Bill 128.

Under current law, the Department of Natural Resources (DNR) regulates ice fishing shack placement. The department specifies a certain day in March as the date when the shack must be removed. Often this date falls on a weekday, so either the angler must take a day off of work to remove the shack or remove it the weekend before.

This bill allows ice shacks located on inland waters north of STH 64 to be removed by the first Sunday following March 12 or on March 12 if that day falls on a Sunday. If the ice shack is located south of STH 64 it must be removed by the first Sunday following March 1 or on March 1 if that day falls on a Sunday.

This change will allow anglers to enjoy the entire ice-fishing season without having to take off work to remove their shack during the middle of the week. In addition, it would give anglers another weekend to take advantage of fishing in Wisconsin. This would also help the economic vitality of businesses that depend on the state's tourism industry.

I urge the committee to consider and support this legislation. Thank you for your time. Please feel free to ask me any questions.

Chair:
Assembly Tourism Committee

CAPITOL OFFICE: P.O. Box 8953
Madison, WI 53708-8953
(608) 267-2365

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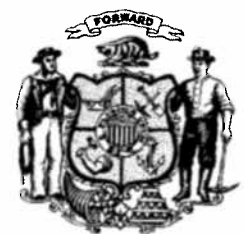
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WISCONSIN STATE LEGISLATURE



Department of Natural Resources
TESTIMONY on AB 128
REMOVAL DATE FOR ICE FISHING SHELTERS – INLAND WATERS
Testimony by: Thomas Van Haren
November 3, 2005

The department is not opposed to the changes this bill proposes, but is concerned about making such a change legislatively and is concerned that it will create a floating set of removal dates for ice shelters unlike those established for any other waters of this state or any surrounding state.

There are currently 5 dates established by rule after which Ice Shelters must be removed DAILY from Wis. Waters. The use of ice shelters after these dates is still legal, but they must be removed on a daily basis when not being used.

1. All Shelters must always be removed Daily for the Fox River Downstream from DePere Dam.
2. February 20th, for Wis./Iowa Boundary Waters.
3. March 1st, for Wis./Minnesota Boundary Waters.
4. March 5th, for Inland Waters South of HWY 64.
5. March 15th, for Wis./Michigan Boundary Waters, Outlying waters/Great Lakes, and
for Inland Waters North of HWY 64.

NOTE: These dates have been in effect and unchanged for over 32 years in Wisconsin.

The Department has not received any complaints from fisherman about the current removal dates. Our Warden Supervisor at Green Bay has waters with 3 of the 5 removal dates in the area he works. He has advised that he has not received any complaints about the current dates during his 30 years working as a warden.

This bill states DNR may NOT promulgate or enforce a rule that requires any ice shelter on inland waters to be remove before the proposed 2 new potentially fluctuating dates in March.

This bill does not establish the same date each year or the same day of the week. We feel having a consistent date every year actually makes it easier for the public to remember the date from year to year. This bill will require our department to establish 2 new “additional” ice shelter removal dates by rule, which would give us potentially 7 different removal dates instead of 5.

After over 32 years of the same date for removal on inland waters, there will likely be confusion for many fisherman.

If this bill is meant to always have the removal date be on a Sunday, the bill does not require the date be a Sunday, simply not before a certain Sunday each year.

All the surrounding states have Ice Shelter Removal Dates similar to Wisconsin which remain the same each year.

Minnesota Border Waters

Minnesota-Iowa: February 20 (Same as Wisconsin)

Minnesota-Wisconsin: March 1 (Same as Wisconsin)

Minnesota-North and South Dakota: March 5

Minnesota-Canada: March 31

For Minnesota Inland Waters - **South of the line* February 28**

For Minnesota Inland Waters - **North of the line* March 15**

**An east-west line formed by U.S. Highway 10, east along Highway 34 to Minnesota Highway 200, east along Highway 200 to U.S. Highway 2, and east along Highway 2 to the Minnesota-Wisconsin border.*

Iowa: February 20th of any year.

Illinois: March 1st of any year.

Michigan: **Upper Peninsula - March 31** of any year.

Lower Peninsula - March 1 of any year.

In the Michigan counties of **Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, or Wexford = March 15** of any year.

On Lake St. Clair **February 20** of any year.

Effective Date: Should this bill be advanced and become law, it would be helpful to have a delayed effective date to allow the time necessary to get the required amendments made to Adm. Code NR20. Without a delayed effective date we risk not having the new inland water removal dates in place by the following spring ice melt. The effective date of this bill should not be before April 1, 2006 to allow the department time to promulgate the new required removal dates and print that information in the next Fishing Regulation's pamphlet which will take effect each April 1st, 2006.

Recommendations:

Our agency is willing and would prefer to propose this change through our normal administrative rule change process. This would also provide the public additional opportunity to consider and become familiar with this potential change through our annual Statewide Spring Fish & Game rule hearings held in each county. We are planning to place a question to this effect on the 2006 DNR Spring Rule Change Hearing Questionnaire.

I would like to thank you again for giving me the opportunity to share this information with you and will be happy to try and answer any questions.

Additional Background Information:

The statutory language proposed to be created would read:

29.404 (1m) REMOVAL DEADLINE EXCEPTION. Notwithstanding sub. (1), the department may not promulgate or enforce a rule that requires the owner of a fishing shanty or similar shelter placed on the ice of any inland water of this state to remove the shelter before the following date unless the department determines that removal is required for safety reasons:

- (a) If the inland water lies north of STH 64, the first Sunday following March 12, or if March 12 falls on a Sunday, March 12.
- (b) (b) If the inland water lies south of STH 64, the first Sunday following March 1, or if March 1 falls on a Sunday, March 1.

NOTE: This bill does not establish the same date each year or the same day of the week.

The DNR regulates the removal of ice fishing shanties on **inland** and outlying waters under NR 20, Wis. Adm. Code.

NR 20.11 Ice fishing and fishing shelter restrictions.

(1) No person may construct, place, use, maintain or occupy a fishing shelter on the ice of any waters of this state unless:

- (c) The person is actively using the fishing shelter and it is removed from the ice **daily and when not in use** on the Fox river downstream from the DePere dam, Brown county.
 - (d) The fishing shelter is removed from the ice daily and when not in use **after March 5 on inland waters south of highway 64.**
 - (e) The fishing shelter is removed from the ice daily when not in use after **March 15** on **inland waters north of highway 64** and all other **outlying waters.**
-

The DNR regulates the removal of ice fishing shanties on boundary waters under NR 21, 22 and 23, Wis. Adm. Code.

CHAPTER NR 21 - WISCONSIN-MINNESOTA BOUNDARY WATERS

NR 21.07 Ice fishing shelters. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river, Lake St. Croix, the St. Croix river and St. Louis river as defined in s. NR 21.02 (16) from the time the ice forms; provided, however, that all such enclosures or shelters **shall be removed from the ice on or before March 1 of each year.**

CHAPTER NR 22 - WISCONSIN-IOWA BOUNDARY WATERS

NR 22.07 Ice fishing shelters. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing purposes on the Mississippi river from the time the ice forms; provided, however, that all such enclosures or shelters **shall be removed from the ice on or before February 20 of each year** unless otherwise extended by the department.

CHAPTER NR 23 - WISCONSIN-MICHIGAN BOUNDARY WATERS

NR 23.09 Ice fishing. Buildings, vehicles, tents, fish shanties or similar enclosures may be used on the ice for fishing in the Wisconsin-Michigan boundary waters.

(2) All shelters **shall be removed from the ice on or before March 15**, or prior to that time if ordered by the department when it determines the ice has become unsafe for travel.

Ice Shelter Removal Dates in other States

Iowa - Ice Fishing Shelters

Ice fishing shelters left unattended on land or water under the jurisdiction of the state, must have the owner's name, street address and city in 4 inch or larger block letters (in a color contrasting to their background) on all sides, but do not need to be registered.

Reflectors must be attached to all sides on any shelter left on the ice after sundown. Structures must not be locked while in use. Shelters must be removed from all state-owned lands and waters by **Feb. 20** or ice melt, whichever comes first, unless the deadline is extended.

Minnesota - Ice Fishing Shelters

New Laws for 2005 - See the page numbers listed for additional information about these new regulations.

- Fish house removal from ice (page 71)

Page 71 - Shelter Removal Dates

Dark houses, fish houses, and shelters must be off the ice no later than midnight for each of the dates given in the following categories below.

Fish houses or shelters on waters **north of the line*** may remain on the ice between midnight and one hour before sunrise only when occupied or attended.

Border Waters Minnesota-Iowa February 20

Minnesota-Wisconsin March 1

Minnesota-North and South Dakota March 5

Minnesota-Canada March 31

For inland waters **south of the line*** February 28

For inland waters **north of the line*** March 15

**An east-west line formed by U.S. Highway 10, east along Highway 34 to Minnesota Highway 200, east along Highway 200 to U.S. Highway 2, and east along Highway 2 to the Minnesota-Wisconsin border.*

If houses or shelters are not removed, owners will be prosecuted, and the structure may be confiscated and removed, or destroyed by a conservation officer. Contents of the structure may be seized and held for 60 days; if not claimed by the owner within that time, they become property of the State of Minnesota.

Note: After the date when ice or fish houses or shelters must be removed, portable shelters may be placed on the ice and used from one hour before sunrise to midnight, but only if there is an open fishing season on the lake.

- Storing or leaving fish houses or dark houses on a public access is prohibited.

Illinois - Ice Fishing Shelters

ICE FISHING

Shelter structures are limited to portable construction of metal or wood framework, covered with canvas, paper, plastic material or similar fabric. Each shelter shall have the name and address of the owner attached, and after March 1 the shelter must be removed when not in use, and not left unattended at any time.

Michigan - Ice Fishing Shelters

A person placing a shanty on the ice for fishing shall permanently affix their name and address on ALL SIDES of the shanty in legible letters at least 2 inches in height. The letters shall be readily visible and consist of material not soluble in water. The name and address must be on the shanty and may not be placed on a board or other material that is then attached to the shanty. Tents or other temporary shelters that are removed from the ice each day do not require identification. Persons placing a shanty on the waters of the **Upper Peninsula** shall remove the shanty by midnight of **March 31** of any year.

Persons placing a shanty on waters in the counties of **Alcona, Alpena, Antrim, Arenac, Bay, Benzie, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Iosco, Isabella, Kalkaska, Lake, Leelanau, Manistee, Mason, Mecosta, Midland, Missaukee, Montmorency, Newaygo, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Presque Isle, Roscommon, or Wexford** shall remove the shanty by midnight of **March 15** of any year.

Persons placing a shanty upon the waters of the remaining portion of the **Lower Peninsula** shall remove the shanty by midnight on **March 1** of any year.

Shanties placed on L. St. Clair shall be removed before sunset on the first Sunday after **February 20** of any year.

In all areas, a shanty must be removed if ice conditions become unsafe, regardless of the date. After the above dates, a shanty must be removed at the end of each day's fishing activity.